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September 9, 2024

VIA ECF

The Honorable Robert W. Lehrburger
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: PDV USA, Inc. v. Interamerican Consulting, Inc., No: 1:20-cv-03699-JGK-RWL (S.D.N.Y.)

Dear Judge Lehrburger:

Plaintiff PDV USA, Inc. (“PDV USA”) submits this letter notice of supplemental authority in further support of its Motion for Sanctions (ECF No. 208), filed on July 17, 2024, and fully briefed as of August 21, 2024.

Recently, there has been a material development in the related criminal matter that further supports PDV USA’s Motion for Sanctions, and further undermines defendant Interamerican Consulting Inc.’s (“Interamerican”) arguments in opposition. On August 28, 2024, the United States filed a motion for protective order. *See Exhibit A.* In their motion, the government represented that they intend to produce additional “voluminous” discovery to defendants, beyond the criminal discovery already produced that PDV USA has since obtained. *See Ex. A at ¶ 3.*

This representation by the government further discredits Interamerican’s assertion that “it is extremely unlikely that any more documents (much less documents which are probative of PDV USA’s claims) actually exist.” ECF No. 220 at 2. As PDV USA noted in its reply memorandum, “the government apparently will be providing additional discovery to Mr. Rivera and Ms. Nuhfer in the criminal matter after defendants have been arraigned[.]” ECF No. 225 at 7. The government’s motion confirms that is exactly what will occur, and further reveals that the government’s forthcoming productions, like its prior productions, will be “voluminous.” If the government’s prior productions are any indication, its forthcoming productions will contain a

significant volume of unpreserved, responsive documents to and from Mr. Rivera that could (and almost surely would) support PDV USA's claims and defenses. *See* ECF No. 225 at 7. Accordingly, without these additional documents, PDV USA faces significant prejudice. *See id.*

Dated: September 9, 2024

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